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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS N. BALL, SR.,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et
al.,

Defendants.

CASE NO. C11-5966BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 9. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) This action is **DISMISSED without prejudice as frivolous** and the dismissal will count as a **STRIKE** under 28 U.S.C. § 1915(g).

Dated this 14th day of March, 2012.



BENJAMIN H. SETTLE
United States District Judge